

REMARKS

By the present amendment, the claims 1, 6, 10, 16, 20, 26, 30, 36, 40, 44, 45, 46, 77, 81, 82, 84, and 90 have been amended. Claims 50-76, 85, 86, 89, 91 and 92 were previously cancelled. Claims 1-49, 77-84, 87, 88 and 90 remain pending in the application.

Reconsideration of the case is respectfully requested in view of the following remarks.

Upon review of the present case and that of child case serial no. 10/294,892, applicants have realized that the claims are not in condition for appeal, as it appears that the art and issues raised in the child case may not have been fully considered by the examiner in this case. Applicants regret this oversight as it was not the fault of the examiner.

Applicants specifically bring to the examiner's attention her rejections in the '892 application and, in order to have all of the issues in the present case in front of the Board on appeal, request that, to the extent she has not already done so, if she considers it appropriate, she make any rejections of the claims similar in nature to those she has made in the '892 application, in the present application. (Applicants do not want the prosecution in the present case reopened yet again after a second decision by the Board.

While most of the art cited by the examiner in the '892 has at one time or another been cited by the applicants in an IDS, some has not. The applicants are thus filing a supplemental IDS herewith. Given the long pendency of the present application, and that of the '892 application, and in view of the fact that examiner was not the original examiner of the '892 application, examiner is requested to review all of the prior art of record in both cases to the extent that she is not familiar therewith.

In order to assist the examiner, further the prosecution of the present case and consolidate issues on appeal, in view of the rejections and amendments in the '892 case, the applicants are amending all of the independent claims of the present application to now recite that the tunnel is formed from bent sheet metal as opposed to merely including a piece of bent sheet metal, as was done in the '892 case.

At the time of filing of the present response, the Office was authorized to charge the fees believed to be necessary to a credit card. In case of any under- or over-payment or should any additional fee be otherwise necessary, the Office is hereby authorized to credit or debit (as the case may be) Deposit Account number 502977.

Respectfully submitted,

/ Jonathan D. Cutler /

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